

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

Chapter 7

Yermi Heilpern

Case No. 18-22383-rdd

Debtor.

**CREDITOR LOSS MITIGATION AFFIDAVIT**

STATE OF NEW YORK       )  
                                      )ss.:  
COUNTY OF ERIE        )

I, Mia Daphene Ubiles, being sworn, say:

On May 7, 2018, Seterus, Inc. advised the law firm of Gross Polowy, LLC to serve a true copy of the Financial Packet and a request for the following documents:

☐ A copy of the Debtor(s) two (2) most recent federal income tax returns; [See “Other” below]

☐ A copy of the Debtor(s) last two (2) paycheck stubs, proof of social security income, pensions, or any other income received by the Debtor(s); [See “Other” below]

Or, if Debtor(s) is/are self employed:

☐ A copy of the Debtor(s)= business= two (2) most recent months= Profit and Loss Statements, setting forth a breakdown of the monthly business income and expenses for the months of; [See “Other” below]

☐ A copy of the Mortgagee=s completed Financial Worksheet; [See “Other” below]

☐ Proof of Second/Third Party Income by Affidavit of the party, including the party=s last two (2) paycheck stubs, [See “Other” below]

☒ Other (please specify):

Please see the attached blank Loss Mitigation package

The Secured Creditor reserves its right to request further information from the Debtor if necessary.

Please be advised that the Creditor designates the following person to be its Loss Mitigation contact:

Name: Suesan Anderson

Title: \_\_\_\_\_

Phone Number: 506-686-7484

Fax Number: \_\_\_\_\_

Email Address: suesan.anderson@seterus.com

Please be advised that the Creditor designates the following person to be its attorney for Loss Mitigation on this Loan.

Name: Dennis Jose, Esq.  
Firm: Gross Polowy, LLC  
Phone Number: (716)204-1700  
Fax Number: (716)204-1702  
Email Address: djose@grosspolowy.com

Dated: May 7, 2018



Mia Daphene Ubiles  
Legal Assistant

Sworn to before me this the 7th day  
of May, 2018.



Gabrielle E. Rude

Notary Public, State of New York

GABRIELLE E. RUDE  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires July 25, 2019



## Borrower Assistance Form

If you are having mortgage payment challenges because of a temporary or long-term hardship, please complete and submit this form, along with the required documentation, to Seterus via mail: PO Box 1077; Hartford, CT 06143-1077, fax: 866.578.5277, or online: [www.seterus.com/uploadmydocs](http://www.seterus.com/uploadmydocs). We will follow up and let you know if you're missing any required information or documents within five business days of receipt.

The requested information is extremely important because it helps us understand your situation, identify the solutions you may be eligible to receive, and consult with you to determine what option may best meet your needs.

If you need help while completing this form, please contact Seterus at 866.570.5277 for assistance.

### Borrower Information

Borrower's name: \_\_\_\_\_

Co-Borrower's name: \_\_\_\_\_

Social Security Number (last 4 digits): \_\_\_\_\_

Social Security Number (last 4 digits): \_\_\_\_\_

Primary phone number: \_\_\_\_\_

Primary phone number: \_\_\_\_\_

Alternate phone number: \_\_\_\_\_

Alternate phone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Is either borrower an active duty service member or the surviving spouse of a service member who was on active duty at the time of death? ☐ Yes ☐ No

### Property Information

Property address: \_\_\_\_\_

Mailing address (if different from property address): \_\_\_\_\_

The property is currently: ☐ A primary residence ☐ A second home ☐ An investment property

The property is: ☐ Owner occupied ☐ Renter occupied ☐ Vacant

Borrower's preference: ☐ Keep the property ☐ Not keep the property ☐ Undecided

Is the property listed for sale? ☐ Yes ☐ No; if yes, provide the following: 1) Listing date: \_\_\_\_\_ 2) Listing agent's name and phone number—or indicate "for sale by owner" if applicable: \_\_\_\_\_

Is the property subject to condominium or homeowners association (HOA) fees? ☐ Yes ☐ No; if yes, indicate monthly dues \$ \_\_\_\_\_

### Household Income

MONTHLY INCOME TYPE AND AMOUNT		REQUIRED DOCUMENTATION
Gross wages, salaries and overtime pay, commissions, tips, and bonuses	\$	<ul style="list-style-type: none"><li>Completed and signed IRS Form 4506T-EZ** <b>AND</b></li><li>Most recent pay stub(s) reflecting 30 consecutive days' or four weeks' earnings <b>AND</b></li><li>Documentation of year-to-date earnings if not on pay stub</li></ul>
Self-employment income	\$	<ul style="list-style-type: none"><li>Completed and signed IRS Form 4506-T <b>AND</b></li><li>The most recent signed and dated quarterly or year-to-date profit/loss statement</li></ul>
Unemployment income	\$	<ul style="list-style-type: none"><li>Completed and signed IRS Form 4506T-EZ**</li></ul>

MONTHLY INCOME TYPE AND AMOUNT		REQUIRED DOCUMENTATION
Social Security, pension, disability, or death benefits	\$	<ul style="list-style-type: none"> <li>Completed and signed IRS Form 4506T-EZ** <b>AND</b></li> <li>Documentation from the provider showing the amount and frequency of benefits <b>OR</b> two most recent bank statements showing deposit amounts</li> </ul>
Rental income (Rents received, less expenses other than mortgage expense)	\$	<ul style="list-style-type: none"> <li>Completed and signed IRS Form 4506-T <b>AND</b></li> <li>Provide a copy of the current lease agreement with either bank statements or cancelled rent checks demonstrating receipt of rent</li> </ul>
Adoption assistance, housing allowance, and other public assistance	\$	<ul style="list-style-type: none"> <li>Completed and signed IRS Form 4506T-EZ**</li> </ul>
Other (e.g. income from alimony*, child support*, investments, or insurance) _____ _____ _____	\$	<ul style="list-style-type: none"> <li>Completed and signed IRS Form 4506T-EZ**</li> </ul>
Total gross monthly household income	\$	

\*Not required if you choose not to have it considered for repaying this loan

\*\*The IRS Form 4506-T will also be accepted.

#### Household Assets – excluding retirement funds such as a 401(k) or Individual Retirement Account (IRA) funds

Checking account(s) and cash on hand	\$
Savings, money market funds, and Certificates of Deposit (CDs)	\$
Stocks and bonds	\$
Other (please describe):	\$
<b>Total assets</b>	\$

#### Hardship Information

The hardship causing mortgage payment challenges began on \_\_\_\_\_ and is believed to be:

☐ Short-term (up to 6 months) ☐ Long-term or permanent (greater than 6 months) ☐ Resolved as of: \_\_\_\_\_

TYPE OF HARDSHIP (CHECK ALL THAT APPLY)	REQUIRED DOCUMENTATION
<input type="checkbox"/> Unemployment	<ul style="list-style-type: none"> <li>No documentation required at this time</li> </ul>
<input type="checkbox"/> Reduction in income	<ul style="list-style-type: none"> <li>No documentation required at this time</li> </ul>
<input type="checkbox"/> Increase in housing-related expenses	<ul style="list-style-type: none"> <li>No documentation required at this time</li> </ul>
<input type="checkbox"/> Divorce or legal separation	<ul style="list-style-type: none"> <li>Final divorce decree or final separation agreement</li> </ul>
<input type="checkbox"/> Separation of borrowers unrelated by marriage, civil union, or similar domestic partnership under applicable law	<ul style="list-style-type: none"> <li>Recorded quitclaim deed or other legally binding agreement evidencing that the non-occupying borrower or co-borrower has relinquished all rights to the property</li> </ul>
<input type="checkbox"/> Death of borrower or death of either the primary or secondary wage earner	<ul style="list-style-type: none"> <li>Death certificate</li> </ul>
<input type="checkbox"/> Long-term or permanent disability, serious illness of a borrower/co-borrower or dependent family member	<ul style="list-style-type: none"> <li>No documentation required at this time</li> </ul>
<input type="checkbox"/> Disaster (natural or man-made) impacting the property or borrower's place of employment	<ul style="list-style-type: none"> <li>No documentation required at this time</li> </ul>

TYPE OF HARDSHIP (CHECK ALL THAT APPLY)	REQUIRED DOCUMENTATION
<input type="checkbox"/> Distant employment transfer / relocation	<ul style="list-style-type: none"> <li>▪ <b>For active duty service members:</b> PCS orders or letter showing transfer.</li> <li>▪ <b>For employment transfers/new employment:</b> Copy of signed offer letter or notice from employer showing transfer to a new location <b>OR</b></li> <li>▪ A written explanation if employer documentation not applicable <b>AND</b> documentation that reflects the amount of any relocation assistance provided (not required for those with PCS orders)</li> </ul>
<input type="checkbox"/> Other: _____ _____ _____ _____	<ul style="list-style-type: none"> <li>▪ Written explanation describing the details of the hardship and relevant documentation</li> </ul>

## Borrower Certification

I certify, acknowledge, and agree to the following:

1. All of the information in this Borrower Assistance Form is truthful, and the hardship I identified contributed to my need for mortgage relief. Knowingly submitting false information may violate Federal and other applicable law.
2. I may be required to provide additional supporting documentation. I will provide all requested documents and will respond in a timely manner to all servicer or authorized third party\* communications.
3. My mortgage servicer is not obligated to offer me assistance based solely on the representations in this document or other documentation submitted in connection with my request.
4. The servicer or authorized third party\* may obtain a current credit report for the borrower and co-borrower.
5. I consent to the servicer, authorized third party\*, or any investor/guarantor, disclosing of personal information collected during the mortgage assistance process, as well as information about any relief I receive, to Fannie Mae, Freddie Mac, or any investor, insurer, guarantor, or servicer of my first lien or subordinate lien (if applicable) mortgage loan(s) or any companies that provide support services to them. Personal information may include, but is not limited to: (a) my name, address, telephone number, (b) my Social Security number, (c) my credit score, (d) my income, and (e) my payment history and information about my account balances and activity.
6. I consent to being contacted concerning this request for mortgage assistance at any telephone number or email address I have provided to the lender/servicer or authorized third party\*.
7. If I am eligible for and enter in to a Trial Period Plan for a modification, I agree that payments due will contain escrow amounts. If I was not previously required to pay escrow amounts, and my Trial Period Plan contains escrow amounts, I agree to the establishment of an escrow account and agree that any prior waiver is revoked. Payments due under a repayment plan or forbearance plan may or may not contain escrow amounts. If I was not previously required to pay escrow amounts and my repayment plan or forbearance plan contains escrow amounts, I agree to the establishment of an escrow account and agree that any prior escrow waiver is revoked.

Borrower signature: \_\_\_\_\_

Date: \_\_\_\_\_

Co-Borrower signature: \_\_\_\_\_

Date: \_\_\_\_\_

\* An authorized third party may include, but is not limited to, a counseling agency, Housing Finance Agency (HFA), or other similar entity that is helping me obtain mortgage assistance.

## DOCUMENTS REQUIRED FOR MORTGAGE RELEASE<sup>TM</sup> AND SHORT SALE

We must receive the following documents to evaluate your loan for a Mortgage Release or Short Sale. Unless listed in the "Documents we have received" table in the enclosed letter, these documents are still outstanding.

### MORTGAGE RELEASE

- ☐ **Signed Third-Party Authorization:** Provides authorization for all parties assisting with the transaction who are not listed on the loan.
- ☐ **Payoff letter** for any other liens on the property
- ☐ Most recent, itemized **Homeowners Association statement**, if you are an HOA member
- ☐ **W-9 Request for Taxpayer Identification Number and Certification**, signed for the current year by HOA, if you are an HOA member

### SHORT SALE

- ☐ **Signed Third-Party Authorization** form or General Authorization form: Provides authorization for all parties assisting with the transaction who are not listed on the loan.
- ☐ **Payoff letter** for any other liens on the property
- ☐ **HUD-1 Settlement Statement**
- ☐ **Fully executed purchase and sales contract** that includes the following provision: *"The seller's obligation to perform on this contract is subject to the rights of the mortgage insurer (if any) and the mortgage holder relating to the conveyance of the property."*
- ☐ **Listing Agreement** that includes the following provision: *"Seller may cancel this agreement prior to the ending date of the listing period without advance notice to the broker, and without payment of a commission or any other consideration, if the property is conveyed to the mortgage insurer or the mortgage holder."*
- ☐ If the property is currently listed by a Realtor®, provide a copy of the **Multiple Listing Service (MLS) listing history** for the collateral property.
- ☐ **Buyer's proof of funds** for non-cash transactions or current pre-approval for financed transactions

1131AA.1

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY. **COLORADO:** FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COLORADOATTORNEYGENERAL.GOV/CA](http://WWW.COLORADOATTORNEYGENERAL.GOV/CA). Seterus, Inc. maintains a local office at 355 Union Boulevard, Suite 250, Lakewood, CO 80228. The office's phone number is 888.738.5576. **NEW YORK CITY:** 1411669, 1411665, 1411662. **TENNESSEE:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Seterus, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR.